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Shipping Co. Ltd. as owner *pro hac*
7 *vice* of the M/V AFRICAN OWL

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 African Owl Shipping Co. Ltd. as
owner *pro hac vice* of the M/V
12 AFRICAN OWL (IMO 9701255),

13 Plaintiff,

14 v.

15 Tiryaki Shipping FZE, a foreign entity
organized under the laws of the United
16 Arab Emirates, Tiryaki Holding A.S. a
foreign entity organized under the laws
17 of the Republic of Turkey, TOI
Commodities SA, a foreign entity
18 organized under the laws of the
Switzerland, Sunrise Foods
19 International Inc. a foreign entity
organized under the laws of Canada,
20 Whitechart Ltd. a foreign entity
organized under the laws of Belize,
21 Sberbank (Switzerland) AG, a foreign
entity organized under the laws of
22 Switzerland.

23 Defendants.
24

Case No. 2:22-cv-00586 KJM JDP

**ORDER FOR DISCHARGE AND
SALE OF CARGO**

IN ADMIRALTY

25 1. The Court's Order Granting Plaintiff's Request for Interpleader and
26 Discharge of Cargo dated April 8, 2022 is hereby modified as follows: The Cargo
27 shall be discharged into the warehouse facilities of Penny Newman Grain Company
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1 in Stockton, California, and not to any other warehouse, absent further order of this
2 Court.

3 2. Subject to the conditions set forth in this Order, Sunrise Foods
4 International Inc. shall have the right to effect sales and distribution of the Cargo to
5 customers.

6 3. Sunrise Foods International Inc. will deposit \$17,499,192.06 into the
7 registry of the Court as security for the value of the Cargo. The funds will be deposited
8 in three payments of \$5,833,064.02 each. Upon the deposit of the first payment,
9 Sunrise may arrange for the immediate sale and distribution of up to one third of the
10 Cargo. Upon the deposit of the second payment, Sunrise may arrange for the
11 immediate sale and distribution of up to two-thirds of the Cargo. Upon deposit of the
12 third and final payment, Sunrise may arrange for the immediate sale and distribution
13 of the remainder of the Cargo. The first payment shall be made within ten (10)
14 calendar days of the date this Order is issued. The second and third payments shall be
15 made at intervals of ten (10) calendar days thereafter.

16 4. The Court orders a hearing on this matter to be held on May 6, 2022 at
17 10:00 a.m., to address the handling of the interpleader funds and any other issues
18 related to the sales and distribution of the Cargo from Penny Newman Grain
19 Company.

20 **IT IS SO ORDERED.**

21 DATED: April 22, 2022.

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CHIEF UNITED STATES DISTRICT JUDGE